THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 20007 of 2007

Date:20-09-2007

Between:

M.Rami Naidu and another **…Petitioners**

AND

The District Collector, Vizianagaram and two others **.. Respondents**

ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in interfering with the lands of the petitioners in Sy.No.71/7 to 71/7 and 4/F, G, 60/1, 52/3, 75/2, 60/1, 1/1B, 86/7, 8, 106/1, and 120/7 to an extent of Ac.06.37 cents and Ac.1.21 cents situated at Gijaba village, Gurugubilli mandal, Vizianagaram District, as illegal and arbitrary.

It is the case of the petitioners that the first petitioner is the owner of an extent of Ac.06.37 cents in various survey numbers situated at Gijaba village, Gurugubilli mandal, Vizianagaram District and the second petitioner is the owner of an extent of Ac.01.21 cents in various survey numbers situated in the said village.

While so, the Revenue Divisional Officer, Parvathipuram along with his subordinate officers visited the lands of the petitioners and measured and noted the extent which is required for the purpose of acquiring for house sites under Indiramma House Beneficiary Scheme. The case of the petitioners is that without following the procedure prescribed under law, the respondents cannot dispossess them and interfere with the possession and enjoyment of the said property.

The learned Government Pleader appearing for the respondents based on the instructions submits that, in fact, the respondents are contemplating to acquire the lands only by issuing the notification under Section 4 (1) of the Land Acquisition Act. It is further stated that an extent of Ac.1.50 cents in Sy.Nos. 71/9, 71/10 and 71/14C patta lands are identified for acquisition by following the due

procedure prescribed under Land Acquisition Act.

In view of the aforesaid statement of the learned Government Pleader, I am of the opinion that there is no truth in any of the allegations of the petitioners that without following the due procedure prescribed under law, the respondents are going to acquire the said lands.

Having regard to the facts of the case, the writ petition is disposed of directing the respondents not to dispossess the petitioners without following the due procedure prescribed under law. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:20.09.2007

Note:
Furnish C.C. within two days.
B/O
ccm